

ATTACK BEGUN ON ORCHARD'S STORY

Witness Gets Mixed on His Dates.

INFORMER AGAIN ON STAND

Effort to Show He Did Not Blow Up Bradley.

WAS HE IN WARDNER MOB?

Dr. McGee's Memory of Bunker Hill Explosion Suddenly Returns. Many Witnesses Tell About Cripple Creek Strike.

STUDIES ORCHARD'S PSYCHOLOGY.

BOISE, Idaho, June 25.—(Special.)—Dr. Hugo Munsterberg, professor of psychology at Yale, is here to make a study of characters in the Hayward case, especially Orchard. He was in court today, and took copious notes. While Orchard was on the stand, the doctor gave the closest attention to him. It is understood he will have an opportunity to see and talk with the self-confessed murderer.

BOISE, Idaho, June 25.—(Special.)—A somewhat remarkable feature of the testimony given today in the Hayward case was that of Dr. L. L. McGee, formerly of Wallace, but now of Spokane. The doctor is one of the impeaching witnesses. When the defense asked Orchard the impeaching questions on June 17, one of them was whether he had not told the doctor in 1905 that he was a spy in the employ of a detective agency. Orchard denied it. At that time the doctor was here and had been here a few days before, and had ample time for consultation with the attorneys for the defense.

Today when Orchard was on the stand to answer other impeaching questions the defense stated it wished to make a correction about McGee, there having been a mistake in the date, and asked Orchard if he had made such a statement to the doctor in 1904. He again replied in the negative. When the doctor was again on the stand he said he had talked with Orchard about July, 1904, in the Coeur d'Alene, and that Orchard had made such a statement to him.

Attack on Bradley Story.

He stuck to that date emphatically. Orchard was in the Coeur d'Alene in 1905; that is fully established, but his story of his movements during 1904, shows he was not in that section during that year. That was the year when he blew up the Independence platform, made the trip into Wyoming, went back to Denver and from there went to San Francisco to kill Fred Bradley, according to his story.

The defense is attacking the Bradley story. Though it seems most unlikely, it seeks to attack the fact of Orchard's being in San Francisco at the time he testified he was there. However, if it should bring on witnesses to swear they saw him in the Coeur d'Alene at the time he testified he was in San Francisco, it would be for the manifest purpose of proving that he was not there at all at the time of the Bradley explosion.

Why Did McGee Change Date?

Why was this change made by Dr. McGee? That is a question that every one is asking. It is a moral certainty that Orchard was not in that section at that time. Did Dr. McGee get mixed in his dates after his first consultation with the attorneys? Have they seized upon the mistake as something that will reflect upon the truthfulness of Orchard's narrative? Or was this change made deliberately for some ulterior purpose?

There is this in support of the theory that the doctor is mixed in his dates. He stated he saw Orchard talking to Cunningham at the depot at Wallace about the same time. Cunningham is the name of the man to whom Orchard gave the Peabody bomb in 1905. That bomb is traced so fully that the time it was taken to Wallace cannot be doubted. Mr. Peabody did not go out of office until 1906 and the bomb was taken to his home at Canon City after that for the purpose of killing him. Perhaps Cunningham is coming on the stand to testify he talked with Orchard in Wallace in 1904.

Memory Suddenly Refreshed.

Another remarkable feature of the testimony of Dr. McGee was, with reference to seeing Orchard at Mullan on the day the Bunker Hill and Sullivan mill was blown up in 1899. He made the positive statement whereupon Mr. Durrwe checked him and asked him if he were certain. Then Dr. McGee said he thought he saw Orchard playing cards at that place on that day. It has been shown to be the purpose of the defense to offer to prove that Harry Orchard was at Wardner on that day, though he did not assist in blowing up the mill.

Special interest attaches to this testimony by the doctor, because of the fact that at the time of the troubles in 1899 he was a sympathizer with the miners, or at least was not in sympathy with the state. He was one of a great number of

persons in that section who could probably have assisted the state much in the way of information about persons who were or were not on that expedition, 1900 strong, that went to Wardner to destroy the mill, but it was the understanding at the time that he, like so many others, had no knowledge to communicate on the witness-stand.

Now, eight years after, he remembers one who he thinks he saw playing poker that day in Mullan, 20 miles away. The fact that this piece of testimony runs counter to the announced plan of the defense in locating Orchard on that day suggests again that the doctor, though glad to testify, may be mixed up in a rather hopeless manner.

Sounds Like Drilled Story.

Other testimony for the defense today was about what was expected. It was anticipated that a great cloud of witnesses would be here for the purpose of fixing something upon Orchard. Those on the stand today generally stood up well to their stories, but there were two or three exceptions. The witness Sullivan, who



General Frederick Funston, Who Denies the Unwhipped Mob of San Francisco.

told of talking with Orchard at the Neville boarding-house, was painfully nervous, and under cross-examination he was obliged to contradict himself. His seemed like a drilled story, and some of the others were much of the same character. There was none of that bearing of truth, none of that perfect candor, that characterized the testimony of Orchard, to break down which all these witnesses have been summoned.

It is claimed by the prosecution that it will fairly riddle the testimony in rebuttal. How correct that is remains to be seen. One of the claims made is that the whereabouts of Orchard in 1904 will be shown so conclusively that McGee's story will fall to the ground entirely, while the testimony of the boarding-house keepers, the station agent and Mr. Sullivan will likewise be discredited entirely.

GRATIFY PERSONAL MALICE

Haywood's Witnesses Tell Orchard's Motives—Spy for Mineowners.

BOISE, Idaho, June 25.—The first direct testimony in defense of William D. Hayward was offered today, and it was chiefly directed toward showing that Harry Orchard, blaming Frank Steuenberg for the loss of his interest in the Hercules mine, had threatened to have revenge by killing him, and that the conduct of Orchard and K. C. Sterling, both before the Independence explosion, when they were frequently seen together, and afterward, when Mr. Sterling called off a bloodhound that was following Orchard's trail, justified the inference that the mineowners inspired the crime.

The calling of the first witness for the defense was preceded by a further examination of Orchard, to permit the defense to complete its formal impeaching questions. These questions were nearly all in connection with the theory that Orchard killed Steuenberg because of an alleged grudge growing out of the sale of his interest in the Hercules mine. Orchard, who came into court under protection of the same flying squadron of guards that always acts as his escort, maintained his old calmness of manner, and spoke in the same low pitched soft tone. He again denied that he ever threatened to kill Steuenberg because of the Hercules mine, and again asserted that he sold his interest in the mine two years before the trouble that drove him out of Northern Idaho.

Say Orchard Made Threats.

Two witnesses called later in the day swore that Orchard did threaten to kill Steuenberg because of the Hercules matter, and the defense has prepared the way for such testimony from a dozen more witnesses. The two heard today were F. R. Redd, once of Cripple Creek, and now of Goldfield, Nev., and the other Charles A. Sullivan, formerly of Cripple Creek, and now a watchman in the Brown Hotel in Denver.

Mr. Redd said he heard Orchard make the statement and threat in the miners' hall in Cripple Creek, and Mr. Sullivan swore that, while he and Orchard were fellow-boarders at John Neville's place in Cripple Creek, Orchard repeatedly said that but for Steuenberg he would be a rich man, and that he intended to kill the Governor. The cross-examination showed that both were members of the Western Federation of Miners, and that Mr. Sullivan was a friend of Hayward, Moyer and many of the union leaders at Cripple Creek.

Dr. L. L. McGee, a mining broker of the Coeur d'Alene, another impeaching witness, swore that Orchard told him in 1904 at Wallace, Idaho, that he was a "spotter" for a detective agency. Orchard denied this conversation, and

ALL INDICTMENTS MAY BE ANNULLED

Validity of Oliver Grand Jury Denied.

HAD LEGAL EXISTENCE ENDED?

San Francisco Bribers' and Grafters' New Hope.

GLASS SPEAKS FOR ALL

Charges That Indictments Were Found by the Grand Jury After Term Had Expired—All Heiney's Work Is in Danger.

SAN FRANCISCO, June 25.—All of the various grounds urged by the defense in support of a motion to get aside the bribery indictments against vice-president Louis Glass, of the Pacific Telephone & Telegraph Company and other big corporation officials, were retired to positions of comparative insignificance this afternoon by the appearance of a new contention presented and argued by Glass' attorneys. Briefly stated, the charge brought by Messrs. Delmas and Coogan in their effort to have the Glass indictments set aside, and which by formal understanding, is for the benefit of all the other defendants as well, is this:

All of the acts, performed by the present grand jury since a date early in January of this year are invalid because the present grand jury ceased lawfully to exist when the new grand jury list for 1907 was certified by the County Judges on the date referred to. The undisputed facts are these: Early in January of this year the grand jury list of 1907 was duly certified by the 12 Judges of San Francisco County, and was by them returned to the County Clerk, but the Oliver grand jury, being in the midst of its bribery-graft investigation, was not thereupon discharged. Instead it was continued in existence under the belief that, having been selected in the Fall of 1906, it could legally exist for 12 months or until the Fall of 1907.

Judge Lawlor, in commenting upon the merits of the defense's contention, said: "Of course, if this grand jury has no existence in law, its acts have no validity and the indictments must be set aside. The court will welcome any further light that counsel may be able to afford. The hearing is continued until 11 o'clock tomorrow."

Forest Supervisors Confer.

HELENA, June 25.—Forest Supervisors of Northwestern States to the number of 50, as well as officials of the Department at Washington, are in session here in the first meeting of the kind ever held. A. P. Shaw, at the head of the local department of the service, made an extended address on mineral and agricultural conditions in the National forests. Clifford Pinchot, Chief Forester, made a brief address and the rest of the day was spent in informal discussion. They will remain in session several days, possibly until the arrival of Secretary Gartfield, July 2.

LOWER RATE ON ALCOHOL

Oregon Commission Says Charge for Denatured Spirit Is Excessive.

WASHINGTON, June 25.—A curious case was filed with the Interstate Commerce Commission today by the Railroad Commission of the State of Oregon against the Northwestern and Burlington Railways and several other lines. It appears that the defendant lines charge the same rates upon the denatured alcohol from Chicago to North Pacific terminal points as they charge on other alcohol.

By reason of the high freight rates the price of denatured alcohol in Oregon is greatly increased, as it costs from 12 cents to 18 cents a gallon to transport it. The Oregon Railroad Commission suggests that the denatured alcohol work an unjust discrimination against denatured alcohol, and asks the Interstate Commerce Commission to fix a just and reasonable rate for its transportation.

Want Platt to Increase Dividends.

NEW YORK, June 25.—The minority committee of the shareholders of the United States Express Company, which is endeavoring to persuade the manager to increase the annual disbursement on the shares from 4 per cent to 7 per cent, has issued another circular to its fellow shareholders, whose support it is seeking in which it gives a detailed statement of the assets of the company, which are valued at \$2,831,000. The movement was initiated early in the Spring by A. L. Banister and Samuel S. Hart, who formed a stockholders' association in Oregon for more liberal dividend policy on the ground that the company's assets were worth between \$15,000,000 and \$20,000,000. To this contention Senator Platt, as president of the company, replied that the assets did not exceed the company's \$10,000,000 share capitalization.

ANOTHER NATIONAL BANK

Addition to Portland's Solid Financial Institutions.

OREGONIAN NEWS BUREAU, Washington, June 25.—The application of W. C. Morris, E. E. Lytle, W. H. Moore, H. A. Moore and Leo Fries to organize the National Bank of Commerce of Portland, with \$250,000 capital, has been approved by the Controller of the Currency.

Incorporators of the new National Bank of Commerce confirm the news contained in the above dispatch. The quarters of the new institution, it is understood, will be in the building on Sixth and Washington streets, now occupied by the Oregon Trust & Savings Bank. Those who will engage in the new bank are all heavily interested in the Oregon Trust & Savings. This will make four National banks for Portland, and the additional institution is an indication of the growth of Portland as a financial center. The banks of the city have long been regarded with great favor as custodians of money from all parts of the state and even Idaho, and parts of Montana, as well as Interior Washington and Puget Sound. Solidity has been the characteristic of Portland National banks especially, and the addition of another such institution, reaching into new territory, will mean much for Portland.

Opinion Makes Harvard Choice.

RED TOP, Conn., June 25.—With the race for freshmen fairs tomorrow afternoon the annual Yale-Harvard regatta on the Thames will be opened. The Harvard freshmen seem to have the best chance for this race, according to opinion.

ROGER SULLIVAN MAKES ANSWER

"What Is Democrat?" Given Solution.

STATE RIGHTS ONE TENET

Adds to Colonel W. J. Bryan's Lengthy Definition.

WHAT HAVE LEADERS DONE?

Chicago Opponent of Nebraskan Takes Some Sly Digs and Hits the Hearst Cult in Reference to Creating Class Hatred.

CHICAGO, June 25.—(Special.)—Roger C. Sullivan, Democratic National Committeeman from Illinois, today contributed an answer to the question "What is a Democrat?" This question is going the rounds among Democrats of National prominence and is arousing great interest. William Jennings Bryan ventured an answer recently, and it was after reading Mr. Bryan's lengthy definition that Mr. Sullivan consented to give his opinion.

Importance is given to Mr. Sullivan's views locally by the predominance of his influence in the reorganization of the Cook County Democracy and by his commanding position in the state. Mr. Sullivan's definition, which may be taken as the creed of the Sullivan following in Cook County and Illinois and a decided blow at Hearstism and Bryanism, follows:

Equal Rights to All.

"A Democrat in this country is a man who believes in a constitutional Government, administered impartially under the theory of equal rights for all and special privileges to none.

"Under the Federal constitution this political faith guarantees the rights of the sovereign states, which is in substance the principle of home rule. It means that the individual shall have every liberty and opportunity in the pursuit of happiness that can be given him without injuring others and that this principle amplified shall apply to the town, city, county and state.

"A Democrat asks concerning measures only one question—Are they right? He sets aside as secondary the consideration of how many votes these measures will bring the candidates of the party. Democracy stands for honesty as against expediency and for loyalty to principle as against chasing the fads and fancies of the hour.

Opposes Creating Class Hatred.

"Concerning a leader, the Democracy asks, What has he done? It believes men are best known by their deeds as distinguished from their professions. A

Democrat opposes the creation of class hatred. He realizes that there are under the law no rich men and no poor men. The Democratic party is composed of American citizens of equal rights and authority in the party councils. Appeals to the distinction of race or wealth are to be expected from political organizations out of harmony with the American constitution. They have no place in the Democratic party.

"Democrats believe in the enlargement of individual opportunity. Socialists believe in the elimination of an individual opportunity. This carries the contrast between the two parties."

REMOVES BAR TO STATEHOOD

Oklahoma Supreme Court Allows Call for Election.

GUTHRIE, Okla., June 25.—By a vote of 4 to 3, the Supreme Court this afternoon dissolved the Panocest injunction.

The finding of the court is a complete victory for the convention, which was prevented by the injunction issued by District Judge Panocest from submitting the constitution for the proposed State of Oklahoma to the voters on August 6.

DURANT, I. T., June 25.—W. H. Murray, president of the Constitution Convention, today issued notice to its members on legislative apportionment to convene in Guthrie on Wednesday, July 10, for the purpose of making proper changes in the election ordinance and making such other regulations as will subserve and promote the interests of statehood.

He also appointed a special committee on legislative apportionment to meet in Guthrie on July 5, to hear testimony as to the fairness of the apportionment and to correct errors, if any are found.

Prays to Die for Brother.

MONTGOMERY, Ala., June 25.—John Beeman, a negro preacher, applied to be allowed to die upon the gallows for his brother, David, the date of execution being July 10. The preacher says he will go to heaven, and his brother, being a bad man, might not. His sacrifice would have a tendency to convert his brother, and both would thus get to heaven. The offer of the negro has caused a wave of sympathy for both, and a petition is being circulated asking the Governor to commute the sentence.

Mother Proves Girl's Sex.

Nicolai, fearing detection, fled to Helsinki, Finland. The mother produced the doctor who had assisted at the birth of her daughter and the priest who had christened her, both of whom swore that they knew positively that Nicolai was a girl. From Helsinki Nicolai soon fled to Antwerp, Belgium, changing her name to Nicolai Konstantinivitch. At Antwerp a banker, M. Gittens, sent her to the United States. In Chicago Nicolai was presented to Charles Henriotin, Belgian Consul, who introduced her to the Russian Consul, and after taking out naturalization papers, Nicolai eventually became secretary to Baron von Schlippenbach, Russian Consul.

FAKED NAMES AND FIGHTS

Oakland Man Loses \$1000 on "Fixed" Boxing Match.

SAN FRANCISCO, June 25.—Bert Campbell, alias George Williams, alias Watson, alias Collins, arrested on Monday for having swindled Roy Sellers, of Spokane, out of \$500 on a fake foot-race, was released on \$500 bail today, but soon afterward was re-arrested for having swindled Marshall J. Howard, of Oakland, out of \$1000 in a fake prizefight in Golden Gate Park on June 11.

Many Army Officers Arrested.

LONDON, June 25.—A dispatch to a News agency from Odessa, says it is authoritatively reported that 90 officers of the southern military district, several of them connected with the Odessa garrison, have been arrested.

LIFE STORY IS TOLD AT LAST

Diary and Letters of De Raylan found.

MYSTERY PARTIALLY CLEARED

Masquerades for Purpose of Blackmailing Mother.

TRIES TO FIND FATHER

Amazing Story of Deception Told, in Which Girl Deceived Churchman and Russian Representatives, After Coming to America.

CHICAGO, June 25.—(Special.)—The mysteries in the life of Nicolai De Raylan, who masqueraded 18 years as a man and married two women, and was found to be a woman only after her death in Phoenix, Ariz., last December, have at last been cleared. A diary and a bundle of correspondence, over which the investigators in the office of James Reddick, public administrator, have been industriously working, were made public today, revealing an amazing story.

De Raylan, it appears, was started on her career of deception in an attempt to blackmail her mother, at whom she was incensed because the paternity of the girl was kept a secret. When information as to the name of her father was withheld, De Raylan adopted male attire and tried to prove that she had been masqueraded as a girl by her mother in violation of the laws of Russia, which provide heavy punishment for such an offense.

Deceives Chairman.

A feature of the story is the fact that De Raylan interested the late M. Constantin Petrovitch Pobedonosteff, procurator of the Holy Synod, in her case, and after convincing that statesman and churchman that she was a man, prevailed on him to start suit against her mother.

The diary, which covers the period between 1888 and 1892, shows that the real family name of De Raylan was Taletsky. The first entries depict her as a schoolgirl 15 years old, about to graduate from a seminary at Kiev, Russia. At this time the girl's mother suddenly acquired more wealth to the amount of 25,000 rubles (about \$125,000), and Nicolai, the only name by which De Raylan is known to have been called, discovered that the money had been settled on her parent as trustee by a member of the nobility, to be conserved in the interests of Nicolai.

The girl became curious as to the reason for the settlement and suspected that the unknown nobleman is her father, but failed to drag information on the point from her mother. Then came the inspiration that resulted in 18 years of pseudo-masculinity for De Raylan.

In Russia the law makes it a crime punishable by imprisonment for any person to gain entrance for a boy into a girls' school and also, under the military statutes, makes it a serious crime for a mother to hide the sex of a male child. Young De Raylan, according to the journal, schemed to blackmail her own mother by aid of these laws. Two years were spent in preparing for the assumption of the male disguise, and in 1891 the girl wrote to the late M. Pobedonosteff, procurator of the Holy Synod, telling in detail the alleged facts in the case. The churchman at once called Nicolai to his palace, and after the girl had convinced him that she was a man, insisted on starting criminal proceedings against the mother.

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